IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TEXARKANA DIVISION

v. \$ CIVIL ACTION NO. 5:14cv142
BI-STATE BAIL BONDS, ET AL. \$

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE AND ENTERING FINAL JUDGMENT

The Plaintiff Stepfon Trotter, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges. The named defendants are Bi State Bail Bonds and the Bowie County District Attorney.

Trotter complains the bail bond company surrendered a two-year-old bond for which he had already received time served, causing him to be wrongfully imprisoned. After review of the pleadings, the Magistrate Judge issued a Report recommending the lawsuit be dismissed with prejudice as frivolous and for failure to state a claim upon which relief could be granted. Trotter received a copy of the Report but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. <u>Douglass v. United Services Automobile</u> Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge.

Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See*

United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir.), cert. denied, 492 U.S. 918, 109 S.Ct. 3243

(1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is

"clearly erroneous, abuse of discretion and contrary to law."). It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 9) is **ADOPTED** as the

opinion of the District Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITH PREJUDICE** as

frivolous and for failure to state a claim upon which relief may be granted. 28 U.S.C. §1915A.

Because this lawsuit is dismissed as frivolous and for failure to state a claim, it counts as a strike for

purposes of 28 U.S.C. §1915(g). The Plaintiff Stepfon Trotter is warned that if he files three

lawsuits or appeals which are dismissed as frivolous or for failure to state a claim upon which relief

may be granted, he will not be able to proceed in forma pauperis in any civil action or appeal filed

while he is incarcerated or detained in any facility unless he is under imminent danger of serious

physical injury. See Adepegba v. Hammons, 103 F.3d 383, 385-87 (5th Cir. 1996). It is further

ORDERED that the Clerk shall send a copy of this order to the Administrator of the Three

Strikes List for the Eastern District of Texas. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby

DENIED.

SIGNED this 15th day of July, 2015.

<u>Poher + W Filmeder</u> ROBERT W. SCHROEDER III

UNITED STATES DISTRICT JUDGE

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